

REMARKS

Claims 1-26 were presented for examination.

Claims 1-26 were rejected under 35 U.S.C. 102(b) in light of Verisign Authentication Services (VAS). Applicant traverses this rejection for the reasons set forth below. Reconsideration of this application and allowance of all pending claims, claims 1-26, are hereby respectfully requested.

Claims 1-26: VAS is not operable and, therefore, does not qualify as prior art.

In order to qualify as prior art, a reference must be operable. MPEP 2121.01. References are presumed to be operable unless Applicant can show otherwise. MPEP 2121. In this case, the reference VAS is a product “pre-announcement” by Verisign for a product to be introduced by Verisign at a later date. The Applicant in this application is Verisign and, therefore, has firsthand knowledge regarding this product pre-announcement and the actual development of the underlying product. At the time of the pre-announcement, the product was not yet operable. Therefore, VAS does not qualify as prior art and Applicant respectfully requests that the rejection of claims 1-26 be withdrawn.

Claims 1-26: VAS does not disclose a converting means to convert a conglomerated authenticity certification into an individualized authenticity certification.

Even if VAS did qualify as prior art, it does not disclose all of the elements in the independent claims. Taking claim 1 as an example, claim 1 requires “converting means for enabling an entity to seek to convert the conglomerated authenticity certification into an individualized authenticity certification covering that entity’s site.” This element is written in

means-plus-function form and is therefore limited to the structures disclosed in the specification and their equivalents (for example, pre-purchased tokens). In order for VAS to teach this claim element, VAS must both (a) disclose the functionality of converting from the conglomerated authenticity certification into an individualized authenticity certification and (b) disclose a structure that matches one of the structures disclosed in the application (for example, the use of a token).

VAS does neither of these. With respect to the first requirement, VAS, at best, states simply that (1) ISPs can use one Server ID per server for merchant customers virtually hosted on the server (presumably, the certification for the server is the VAS equivalent of claim 1's conglomerated authenticity certification) and (2) that individual merchants can receive site authentication (presumably, this is the VAS equivalent of individualized authenticity certification). However, VAS does not describe any relationship between the server certification and the site authentications and, most importantly, does not state that the server certification is somehow converted into the site authentications, as is required by claim 1.

Furthermore, even if VAS did disclose the function of converting from one certification into another, VAS does not disclose any structure that implements the conversion. Therefore, VAS cannot disclose the specific structure disclosed in the application, as is also required by claim 1.

Similar reasoning applies to the other independent claims. Applicant respectfully submits that claims 1-26 are patentable over the cited reference for this additional reason.

Dependent claims

VAS also does not disclose many of the additional elements in the dependent claims. For example, claims 2, 8, 9, 11 and 18 recite the use of (pre-purchased) tokens as the means for obtaining the individualized authenticity certifications. VAS does not disclose this specific implementation. Paragraph 7 of the Office Action states that the VAS system must be able to allow clients to pre-purchase rights of use in order for the system to provide its functionality (at least, that is Applicant's understanding of the Office Action). However, it is not clear why this would be the case since VAS does not mention pre-purchase of rights. Hence, Applicant respectfully submits that claims 2, 8, 9, 11 and 18 are also patentable over the cited reference for this additional reason.

In paragraphs 9 and 10, claims 4, 6, 20, 21, 23 and 24, and 13-17 were rejected on the basis that the reference THEFLAGBOX.com is a definition of the splash page presented within VAS. This cannot be since THEFLAGBOX.com does not match the description of VAS' splash page. VAS states that the splash page will indicate that the merchant has authorized their ISP to provide the SSL certificate for the merchant site. THEFLAGBOX.com states that the merchant has authorized a trusted third party (Verisign, Inc.), not the ISP, to provide the SSL certificate. Therefore, THEFLAGBOX.com cannot be the splash page presented within VAS. Second, THEFLAGBOX.com has a date that is too late to qualify as prior art on its own. However, the Examiner has indicated that it can be used as part of the VAS reference under MPEP 2124. This is not correct. MPEP 2124 allows the use of a later reference if the later reference shows a universal fact. Examples include characteristics and properties of a material or a scientific truism. Such facts are universal because there is only one possible interpretation and that interpretation does not change over time. A splash page does not fall into this category. There

are many possible splash pages, and the specific splash page THEFLAGBOX.com adds material beyond what is disclosed in VAS. Therefore, it cannot be used as the splash page referenced by VAS. For these additional reasons, Applicant respectfully submits that claims 4, 6, 20, 21, 23 and 24, and 13-17 are also patentable over the cited reference.

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Closing

The Examiner is invited to telephone the undersigned at the number given below if clarification on any of these points is desired or if the Examiner believes that for any reason direct contact with Applicant's attorney would help advance the prosecution of this case to finality. Otherwise, Applicant believes that the application is in condition for allowance of all claims herein, claims 1-26, and therefore an early Notice of Allowance is respectfully requested.

Respectfully submitted,

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